

PROVO RIVER DISTRIBUTION SYSTEM
MINUTES OF THE ANNUAL MEETING OF BOARD OF DIRECTORS
January 10, 1990

Pursuant to the Articles of Association, as amended by the Provo River Distribution System, and due notice having been given to all members, the Board of Directors of the Provo River Distribution System convened at 10:00 A.M. on January 10, 1990 in Room 2301 of the new Utah County Building.

Chairman J. Edwin Ure presided.

On roll call, the following Board members were present:

J. Edwin Ure, Chairman	Group 1 Kamas Valley Canals
Sherman A. Giles	Group 2 Upper Provo, East Heber Valley
Harvey Van Wagoner, Vice-Chair.	Group 3 Upper Provo, West Heber Valley
Carl H. Carpenter	Group 4 Provo City Canals
Stanley H. Roberts	Group 5 East Provo Canals
Kenneth R. Gillman	Group 6 Provo Bench Canals
Mack A. Anderson	Group 7 Provo Reservoir Water Users Company
Jack M. Gardner, Secty.-Treas.	Group 8 Provo River Water Users Association
Ferrell Knight	Group 9 Upper Provo Individual Rights

Also present were:

Stanley H. Roberts, Jr.	Provo River Commissioner
Daryl Devey	Central Utah Water Conservancy District
Rick J. Cox	Provo River Water Users Association
Ernie Giles	East Heber Valley

CORRECTION, ADOPTION OF MINUTES OF ANNUAL MEETING, JANUARY 11, 1989

There being no corrections Director Anderson moved that the minutes be adopted, seconded by Director Van Wagoner and carried unanimously.

ELECTION OF OFFICERS

Chairman Ure advised that the next order of business was to nominate and elect officers for the ensuing year.

Whereupon Director Giles moved that the rules be suspended and by acclamation the present officers be reelected, seconded by Director Knight and carried unanimously.

1989 FINANCIAL STATEMENT AND DELINQUENT ACCOUNTS:

At the request of Chairman Ure, Secretary Gardner presented the last year's (1989) Financial Statement as prepared and submitted by the State Engineers Office of the Rivers System's operation, noting that the 1989 budget was actually \$58,600 including the voluntary assessment of \$6000 donated by the Central Utah Water Conservancy District. This special assessment to be distributed by the State Engineers Office and paid to the River Commissioner's as salary, fringe benefits, expenses etc., for extra work in distributing the CUP Bonneville Unit water made available as storage in Deer Creek Reservoir by the Deer Creek/Strawberry Exchange. The actual amount expended was \$57,088.40.

The total budget and assessment for 1989 was \$58,600. The assessments were, \$51,000-Provo River Distribution System, \$6,000-CUWCD and \$1,600-Trust Fund. The Trust Fund balance January 1, 1989 was \$6,326.78, total receipts \$59,137.55 and expenditures of \$57,088.40 leaving the Trust Fund balance December 31, 1989 at \$8375.93.

Director Van Wagoner moved that the 1989 Financial Statement be accepted for filing. The motion was seconded by Director Roberts and carried unanimously.

It was noted that the delinquent water assessments amounted to a total due of \$472.51. After discussion it was generally agreed that the collection of the delinquent accounts would be further discussed with the State Engineer at tomorrow's meeting.

COMMISSIONER REPORT ON 1989 OPERATION

Commissioner Roberts noted that the 1989 Annual Report

was completed and the 1985, 1986 and 1988 reports would be out by the first of March. Copies of the 1989 report were distributed to those who requested a copy.

Whereupon Commissioner Roberts called Deputy Commissioner Giles for his report of distribution of the Wasatch Division during the past irrigation season.

Deputy Commissioner Giles reported that the 1989 was the third year in a row with below average precipitation. At the First of February 1989 there was 10.87" of water at Trial Lake gauging station while the average is 15.31" or 71% of average. The 1990 water year is below normal. As of January 1, 1990 Trial Lake gauge registered 5.7" of water or 52% of normal as compared with January 1, 1989 at 8.1" of water or 60% of normal. There was no snow in Heber Valley in February and on May 23 the Provo River peaked at 1526 c.f.s. with the natural flow at 906 c.f.s. The natural flow at Midway in normal years peaks at about 3000 c.f.s. The Timpanogos and Extension Irrigation Companies 14 class water was gone July 1st. The Upper Provo river was at 100% to June 27, 80% to July 1, 60% to July 15, 40% August 1, 35% to August 15, 30% to September 1 and 40% to the end of September.

Long Lake and Trial Lake reservoirs were restricted from storing any water and the remaining head of the river reservoir only stored 1/2 of their capacity or about 5000 ac. ft.

The contractor constructing the Jordanelle Dam is diverting 8 c.f.s of Ontario Drain water into the pond created by the fill material excavation and pumping 3 1/2 c.f.s. out. The USBR has not made any provisions to provide water for the dam construction.

The Beaver & Shingle Creek Irrigation Company and Bar X. Company have sold their 1990 Deer Creek Project water allocation of 900 ac. ft. and 125 ac. ft. respectively to the USBR for fish release.

The Duchesne River Water Commissioner ordered the diversion into the Duchesne Tunnel shut off on June 30, 1989 due to a protest to the State Engineers duly set for 1989 to make water diversions on the Duchesne River and also the withdrawal of the deferral agreement by the Indians and the demand for delivery of their water. This is the earliest the Duchesne Tunnel has been shut off. The water was out of the Duchesne Tunnel until September 27th.

Deputy Commissioner Giles then stated that he enjoyed his work as Deputy Commissioner on the Provo River in 1989 and thanked the people who worked with him. The Water Users on the Provo River, the Provo River Distribution System, Commissioner Roberts, the State Engineer's office, the Provo River Water Users Association for its help in making equipment and operators available to build rock diversion dams

along the upper Provo.

Commissioner Roberts reported that the rebuilding of Trial Lake Dike and Dam was progressing. That the owners had hired attorney Joseph Novak and negotiations with CUWCD to provide construction funds had been successful. The engineering firm of CH2M Hill is preparing a cost estimate and design for the reconstruction of the dike. The Quail Creek dike failure has caused the Forest Service to consider removing the existing dam and rebuilding the dam and dike. Estimates ranged from \$500,000 to \$1,300,000 to complete the works depending on who did the engineering and the scope of the work. The reservoir has a capacity of 1660 ac. ft. The exchange agreement with Jordanelle provides for 1520 ac. ft. which is the average record amount stored over a 30 year period. The Forest Service finally allowed the gates on the reservoirs except Trial Lake and one other, with some gates open 1". The reservoirs are to be observed this winter and on the 1st of April the Forest Service will decide whether to open or close the gates. Big Elk reservoir is not involved.

Deer Creek reservoir was at its fullest June 17, 1989 at elevation 148,844 with 3720 ac. ft. needed to fill. The reservoir was declared full on March 21, 1989 as the Trial Lake Snotel station read 101% of normal. It was later found that there was only 68% of normal at Trial Lake after extra allotment water had been released. There was ample extra allotment and power water released to have filled the reservoir, run out the holdover and deliver some extra allotment.

The irrigation season began May 15, with Class "A" at 100%, the river dropped to 75% then to 60% and during September it was at 50%. There were some rains late in the year and Class "A" was at 100% at the end of the year.

Commissioner Roberts noted that the State Engineer was allowing stockholders in irrigation companies to file change applications changing the water represented by the stock to wells etc. The quantifying of these change applications and the administering of these small rights is almost impossible and it was recommended that the State Engineer be asked to place an assessment on these changes to pay the cost of administering them.

Commissioner Roberts noted that the Welby-Jacob exchange was implemented during part of the irrigation season and that the purchased fish water releases are being made both of which have caused much confusion in administering the flows of the Provo River. When Jordanelle is completed the system will be further complicated.

Commission Roberts expressed his appreciation to the Board, State Engineer and others for their cooperation in the 1989 season and noted that although it was a dry year there

was harmony on the river distribution system and the problems were discussed and worked out.

NOMINATION OF WATER COMMISSIONER AND DEPUTY COMMISSIONER FOR 1990.

It was then noted that Commissioner Roberts was the only candidate for Commissioner.

Whereupon Director Roberts moved that Stanley H. Roberts Jr. be recommended to the State Engineer as Provo River Commissioner for the ensuing year.

The motion was seconded by Director Knight and carried unanimously.

Commissioner Roberts then recommended Deputy Commissioner Giles to be the Deputy Commissioner for the ensuing year.

Whereupon Director Gillman moved that Sherman Giles be nominated as the Deputy Commissioner to be recommended to the State Engineer as Deputy Commissioner for the ensuing year.

The motion was seconded by Director Van Wagoner and carried with Director Giles abstaining from voting.

Director Giles then recommended that Ernie Giles continue to be the trainee for the ensuing year. Whereupon Director Knight moved that Ernie Giles continue to be the trainee for the ensuing year. The motion was seconded by Director Van Wagoner and carried unanimously.

BUDGET AND ASSESSMENT, 1990

The first item of discussion was the contractual services of the the trainee as Deputy Commissioner. Director Giles advised that Ernie Giles the trainee, spent considerable time during the past water year becoming acquainted with the procedures to distribute the water on the Upper Provo. Director Gardner noted that \$800 had been budgeted and paid Mr. Giles last year. After further discussion Director Gardner moved that this budget item be increased to \$1000. Director Van Wagoner seconded the motion and it carried unanimously.

The adjustment of the salaries of the Commissioner and Deputy Commissioner were discussed. Director Gardner noted that the PRWUA had given it's employees a 5% raise as his investigation had disclosed that this was about the % increase in the cost of living index in the last year.

Director Gillman moved that the Commissioner's annual

salary be increased by 5% and the Deputy Commissioner's salary also be increased by 5%. Director Van Wagoner seconded the motion and it carried unanimously.

Other minor adjustments were made to the budget.

Secretary Gardner noted the State Engineer had come up with a new format than the Distribution System had been using and that the \$6000 CUWCD special assessment was added to items of the budget such as commissioners salary, mileage etc.. Secretary Gardner suggested that Commissioner Roberts finalize the 1990 budget items to include the \$6000 CUWCD assessment and that it be presented at the meeting with the State Engineer on January 11th.

The 1990 assessment was discussed and it was the consensus of the Board that the assessment would be set at the meeting with the State Engineer after the budget was finalized.

OTHER BUSINESS

Director Ure stated that in addition to the problems with the State Engineer allowing stockholders in irrigation Companies to file change applications, as Commissioner Roberts had noted in his annual report, the changing of the point of diversion from the Provo River tributaries to wells or springs that do not reach the Provo River as a live stream is damaging to other water users. When the water is taken out of an irrigation companies canal system by a stockholder the canal loss increases and the canal company should make the determination as to whether a stockholder can move his water out of the canal or not as the water right belongs to the irrigation company. If the irrigation company agrees to the proposed change the change application should be filed by the irrigation company with provisions that a certain amount of water be left in the canal to make up the losses. Also if the change interferes with return flow reaching the Provo River then only the consumptive use of the water right should be allowed to be changed. After further discussion Secretary Gardner was requested to prepare a resolution, outlining the problems as discussed, to be presented to the State Engineer at the State Engineers meeting with the Board tomorrow January 11, 1990.

Chairman Ure called attention to the following letter dated December 28, 1989.

NOTICE TO PROVO RIVER DISTRIBUTION WATER USERS:

Notice is hereby given that in compliance with Title 73, Chapter 5, Utah Code Annotated, 1953, a meeting of the water users of the PROVO RIVER DISTRIBUTION SYSTEM and representatives of the Division of Water Rights will be held Thursday, January 11, 1990, at 10.00 A.M. The meeting will be at:

Utah County Courthouse
51 South University Avenue, Room 1400
Provo, Utah 84601

The agenda will include the following outline:

1. Hearing the 1989 Minutes.
2. Hearing the 1989 Financial Report.
3. Hearing the 1989 Commissioner's Report.
4. Preparing a budget of salaries, other necessary expenses, and assessments.
5. Recommending a Commissioner for 1990.
6. Reviewing System's Directors and transacting such other business as may properly come before the meeting.

Sincerely,

Robert L. Morgan, P.E.
State Engineer

ADJOURNMENT

There being no further business and upon motion duly made, seconded and carried, the meeting adjourned at 12:30 P.M.

Date Approved: _____

Jack M. Gardner
Secretary